

### **REMARKS/ARGUMENTS**

The Office Action of July 27, 2005 has been carefully considered. Claims 1-10 are pending in the present application with claims 1 and 6 being in independent form. Claims 1-10 have been amended hereby in order to further clarify the features of the present application.

Claims 1-10 have been rejected under 35 U.S.C. §112, second paragraph as allegedly failing to distinctly claim and particularly point out the subject matter that applicant regard as their invention.

As noted above, claims 1-10 are amended hereby to further clarify the features of the present application. It is believed, that claims 1-10, as amended herein, distinctly claim and particularly point out the subject matter that applicants regard as the invention.

Accordingly, it is respectfully requested that the rejection of claims 1-10 under 35 U.S.C. §112, second paragraph, be reconsidered and withdrawn.

Claims 1-4 and 6-10 have been rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over U.S. Patent No. 5,031,676 to Ulm.

The Examiner contends that Ulm discloses in fig. 7 a stopper device comprising a capsule having an external skirt and an internal duct 88, a stopper 30 having a tapered part with a slot 44 and the stopper having a lower part 30 and an annular flange 20. Applicants respectfully disagree.

Amended claim 1 of the present application relates to a stopper device for bottles equipped with a neck compatible with a water fountain which are intended for containing drinking water or another liquid, the stopper device being used during the storage and transport of the liquid and for cooperating with a feeding tube for the purpose of dispensing the liquid, the

device being placed in a capsule which includes an external skirt to receive the neck of a bottle, where the stopper device includes an internal duct to pass the feeding tube and to support a stopper, wherein the stopper is made from flexible and elastic material and is formed of a single piece, and wherein the stopper includes a flexible part of a valve becoming narrower at an end and having closely set straight walls which form a slot, the closing and opening of which function as a valve such that when one wall is laid against the other, passage of the liquid contained in the bottle is prevented.

Ulm, as understood by applicants, discloses a cap unit and a valve assembly 20 that includes a slider valve member 30 which is supported by a guide structure 29 that includes a pair of diametrically disposed guides 31 which depend from the top 23 of the guide skirt 21. The slider valve 30 has a pair of diametrically opposed passageways 37 between the guides 31 that extend the full length of the guide structure 29 to provide full flow when the slide valve 30 is moved to its fully open position, up into the bottle, as illustrated in FIG. 7. The slider 30 further includes a transverse slot 44 which can be used to rotate the valve member in the guide structure 29 by using an appropriate tool. See Ulm, Col. 3, lines 7-47.

Ulm, however, fails to show or suggest a stopper device including "a flexible part of a valve becoming narrower at the end having closely set straight walls which form a slot, the closing and opening of which function as a valve such that when one wall is laid against the other, passage of the liquid contained in the bottle is prevented" as recited in amended claim 1 of the present application. The transverse slot 44 of Ulm is used to rotate the valve member in the guide structure. The transverse valve 44, is not formed by "a flexible part of a valve becoming narrower at the end having closely set straight walls" to form the slot. In addition, Ulms fails to

show or suggest that the slot 44 opens and closes at all, and thus, the slot does not "function as a valve such that when one wall is laid against the other, passage of the liquid contained in the bottle is prevented."

Similarly, Ulm fails to show or suggest "a stopper" including "a fixed part surmounted by a flexible part that narrows at an end and with closely set straight walls forming a slot functioning as a valve, the opening and closing of which is actuated by virtue of the elasticity and flexibility of the material of the flexible part and by means of hydrostatic pressure exerted by the liquid filling the container" as substantially recited in amended claim 6 of the present application.

In addition, Ulm similarly fails to show or suggest a "stopper assembly for containers intended for housing liquid and for cooperating with a feeding tube for the purpose of dispensing the liquid" that includes "a stopper" where the stopper includes "a flexible member, the flexible member including at least two walls which cooperate to form a slot which when open allows the passage of water housed in the container therethrough, and when closed prevents the passage of water housed in the container therethrough." as substantially recited in amended claim 9 of the present application.

Accordingly, it is respectfully submitted that independent claims 1, 6 and 9, and the claims depending therefrom, are patentable over the cited art for at least the reasons discussed above.

In light of the remarks and amendments made herein, it is respectfully submitted that claims 1-10 are patentable over the cited art for at least the reasons discussed above and are in condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2005:

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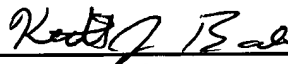
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October 27, 2005

Date of Signature

Respectfully submitted,



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